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CHARTER

—OF—

THE CITY OF HOUSTON

HARRIS COUNTY,
...TEXAS...

As Passed by the 29th Legislature

1905

HOUSTON, TEXAS:
W. H. COYLE & CO., PRINTERS.
1905.

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Mun Pub
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Amended 1926,

AN ACT

To Grant a New Charter to the City of Houston, Harris County, Texas; Repealing all Laws or Parts of Laws in Conflict Herewith, and Declaring an Emergency.

Be it enacted by the Legislature of the State of Texas:

ARTICLE I.

Section 1. CORPORATE NAME.—That all the inhabitants of the City of Houston, Harris County, Texas, as the boundaries and limits of said city are herein established, or may be hereafter established, shall be a body politic, incorporated under, and to be known by, the name and style of the "City of Houston," with such powers, rights and duties as are herein provided.

Sec. 2. BOUNDARIES.—That the boundaries and limits of said corporation shall be four miles square, to be run with the cardinal points of the compass, of which the center of the Court House Square of Harris County, in the City of Houston, shall be the center; provided, that such part of the present boundaries of the incorporated town of Houston Heights as may be included in the above description of the boundaries of the City of Houston, shall be excepted therefrom and not included in the boundaries or limits of the City of Houston.

Sec. 3. PLATTING OF PROPERTY.—That should any property lying within the city limits as established by this act be hereafter platted into blocks and lots, then and in that event the owners of said property shall plat and lay the same off to conform to the streets and lots abutting on same, and shall file with the City Engineer a correct map of same; provided, that in no case shall the City of Houston be required to pay for any of said streets at whatever date opened, but when opened by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the City of Houston for use as public highways, and shall be cared for as such.

ARTICLE II.

Section 1. CORPORATE POWERS.—The City of Houston, made a body politic and corporate by this act, shall have perpetual succession, may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impleaded in all courts and places and in all matters whatever, may take, hold, and purchase

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lands as may be needed for the corporate purposes of said city, and may sell any real estate or personal property owned by it, perform and render all public services, and, when deemed expedient, may condemn property for public use, and may hold, manage and control the same; such condemnation proceedings to be governed and controlled by the law now in force in reference to the condemnation of the right of way of railroad companies and the assessment of damages therefor, and shall be subject to all the duties and obligations now pertaining to or incumbent upon said city as a corporation not in conflict with the provisions of this act, and shall enjoy all the rights, immunities, powers, privileges and franchises now possessed and enjoyed by said city and herein granted and conferred.

SEC. 2. POWERS OF ORDINANCE.—The City of Houston shall have power to enact and to enforce all ordinances necessary to protect health, life and property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order and security of the city and its inhabitants; to protect the lives, health and property of the inhabitants of said city, and to enact and enforce any and all ordinances upon any subject; provided, that no ordinance shall be enacted inconsistent with the laws of the State of Texas, or inconsistent with the provisions of this act; and, provided, further, that the specification of particular powers shall never be construed as a limitation upon the general powers herein granted; it being intended by this act to grant to and bestow upon the inhabitants of the City of Houston and the City of Houston full power of self government, and it shall have and exercise all powers of municipal government not prohibited to it by this Charter or by some general law of the State of Texas, or by the provisions of the Constitution of the State of Texas.

SEC. 3. REAL ESTATE, ETC., OWNED BY CITY.—All real estate owned in fee simple title, or held by lease, sufferance, easement or otherwise; all public buildings, market houses, school houses, fire engine stations, public squares, parks, streets, alleys, and all property of whatever kind, character and description which has been granted, donated, purchased, or otherwise acquired by the City of Houston through any means or agency, and all causes of action, choses in action, rights or privileges of every kind and character, and all property of whatsoever character or description which may have been held, and is now held, controlled or used by said City of Houston for public uses or in trust for the public shall vest in, and remain in and inure to the said corporation, the City of Houston, under this act; and all suits and pending actions to which the City of Houston heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act, but shall continue unabated.

SEC. 4. STREET POWERS.—The City of Houston shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, care for, sell, pave, supervise, maintain and improve streets, alleys, sidewalks, squares, parks, public places and bridges, and to vacate and close the same; and to regulate the use thereof; and to require the removal from the streets and sidewalks of all obstructions, tele-

graph, telephone, street railway or other poles carrying electric wires, signs, fruit stands, showcases, and encroachments of every character upon said streets or sidewalks; and to vacate and close private ways.

SEC. 5. TO REGULATE STREET AND ELECTRIC RAILWAY COMPANIES.—The City of Houston shall have the power by ordinance or otherwise, to regulate the speed of engines, locomotives and street cars within the limits of said city; and to require steam railway companies to keep the streets over which they run properly drained, and to light the same wherever deemed necessary, and to require steam and electric railway companies to construct and keep in repair from curb to curb bridges and crossings over all the ditches, and to construct and maintain drains and culverts where crossed by any line of said railways on all streets over which they run; to direct and control the laying and construction of railroad tracks, turnouts and switches, and to regulate the grade of same, and to require them to conform to the grade of the streets of said city as they may be or are now established, and that said tracks, turnouts and switches be so constructed and laid out as to interfere as little as possible with the ordinary travel in the use of the streets.

The City of Houston shall have power by ordinance or otherwise to require steam railways using any portion of the streets of the city to pay all or any part of the paving, grading, draining and repair thereof along the street so used by such railway, and to light the same whenever and wherever deemed necessary or advisable.

Said city shall have power by ordinance or otherwise to require any street or electric railway company to pay the cost of the grading, paving, repairing or repaving or otherwise improving the street or streets or intersections thereof used or occupied by such railway company, and such cost shall be a lien upon the property and franchises of the company. The portion of the street occupied by an electric or street railway company shall be deemed to be the space between its tracks and twelve inches on the outside of each of its rails, and all the space between double tracks, turnouts and switches.

Any railroad company or street railway company proposing, with the permission of the Council, to occupy any street or streets already occupied by any such other Company, shall, besides paying for paving as may be required by the City Council, or by the provisions of this act, be required also to pay for paving between the tracks of said two roads to within twelve inches of the track of such other road, and such cost shall be a lien upon the property and franchises of the company.

Should any railroad or street railway company propose to lay a track on any street or portion of a street which shall have been improved under the provisions of this act, it shall become liable for the portion of the cost of such improvement as the City Council may direct, or as is fixed by this act.

No railroad or street railway company shall be permitted to occupy any street or portion of a street, improved or otherwise, not previously occupied by it, except with the permission of the City Council.

The City Council shall have power by ordinance to require any street car or electric railway company, or other person or corporation

operating street cars in, into or through the City of Houston, to issue to its passengers transfers from any of its lines to any other lines within the city, upon the payment by said passenger of the fare or rate prescribed for one continuous passage.

SEC. 6. TO REGULATE RATES OF PUBLIC UTILITIES.—The City Council shall have the power by ordinance to fix and regulate the price of water, gas and electric lights, and to regulate and fix the fares, tolls and charges of local telephones and exchanges; of public carriers and hacks, whether transporting passengers, freight or baggage, and generally to fix and regulate the rates, tolls or charges of all public utilities of every kind.

To fix and regulate the fares and charges of electric or street railway companies, and shall require by ordinance, under proper penalties, that any street railroad using any of the streets of the city shall for one fare give a transfer from any of its lines to any other line in the city, whether such other line be owned by it or any other company, and in addition to the penalties to be prescribed by ordinance for the failure to give transfers, shall have the right by mandamus or other proper remedy in any court of competent jurisdiction to enforce any ordinance requiring the giving of transfers by any street railroad company; and in addition thereto the City of Houston may recover of the street railway company the sum of twenty-five dollars as penalty and liquidated damages for each and every failure to give a transfer.

It shall be unlawful to continue, amend or extend any street railroad franchise, without binding any such railroad to give universal transfers, under provisions to be fixed by general ordinance.

SEC. 7. MAY OWN WATERWORKS.—The City of Houston may buy or construct, own, maintain and operate a system of waterworks, gas or electric lighting plants, street cars and sewers, and it shall be its duty to regulate, care for and dispose of sewage, waste water, surface water, offal, garbage and other refuse matter, and to make rules and regulations governing the same, and prescribe penalties for violations of said rules and regulations.

SEC. 8. FIRES.—The City of Houston shall have power to provide means for the protection against and the extinguishment of conflagrations, and for the regulation, maintenance and support of the fire department, and for the purpose of guarding against the calamity of fire, may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden buildings within such limits in said city as may by ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any wooden buildings from without said limits, and may also prohibit the removal of any wooden buildings from one place to another within said limits, and may direct and prescribe that all buildings within the limits so designated in the ordinance as fire limits shall be made or constructed of fire-proof material, the kind, character, extent and quality of which buildings and material may by ordinance be prescribed and fixed, and may prohibit the repairing of wooden buildings in fire limits when the same shall have been damaged to within fifty per cent of the value thereof,

and may prescribe the manner of finding such damages, and may declare all dilapidated buildings to be nuisances and direct the same to be repaired, removed or abated in such manner as the Council may prescribe, and may declare all wooden buildings in the fire limits which they deem dangerous to contiguous buildings, or which may cause or promote fires, to be nuisances, and may require and cause the same to be removed in such manner as may be prescribed, at the expense of the owner, and may further prescribe limits within which only a fire-proof roofing may be used, and may impose a penalty for violations of such rules and regulations.

The city shall have the right by ordinance to regulate, prescribe and govern the storage of lumber, sash, doors, blinds and any and all kinds of goods, wares and merchandise of every kind, and prescribe limits within which such materials may be carried, and fix penalties for violation of the rules and ordinances governing the same.

SEC. 9. WHARVES AND DOCKS.—Said city shall have power to establish, buy, erect, maintain, own, lease and regulate wharves and docks, charge wharfage and dockage, regulate the use of White Oak and Buffalo Bayous, and fix places for the anchorage of water craft thereon.

SEC. 10. MARKETS.—Said city shall have power to establish, lease, maintain, regulate and operate markets and market places, and abbatoirs and to build, own and maintain buildings therefor, and to rent and lease the same.

SEC. 11. CHARITIES AND CORRECTIONS.—The city shall have power to establish, maintain and regulate the city prison, or city prisons, work houses, rock piles and other means of punishment for vagrants, city convicts, and disorderly persons, houses of correction and reformatories for youthful criminals, compulsory schools for children without parents, or vicious parents, or parents who wilfully and grossly neglect them, and such other places of incarceration and reformatory institutions, and such hospitals, orphanages and charitable institutions as it may deem expedient; provided, however, that no gratuity that is purely personal, and no pension shall ever be granted to any individual, and no money of the city shall be paid out except for personal services rendered, and for the other purposes specified or authorized by this act.

SEC. 12. FINES FOR VIOLATION OF ORDINANCES.—That the by-laws and ordinances of the city shall be enforced by a fine not to exceed two hundred dollars ($200.00); provided, that no ordinance or by-law shall provide a lesser penalty than is prescribed for a like offense by the laws of the State.

The City Council may provide by ordinance for the commutation of fines imposed, by labor in a work house or on a rock pile, or upon the public streets and public ways of the City of Houston, and for the collection of any fine imposed execution may be enforced as other execution issued in civil causes.

SEC. 13. CORPORATION COURT.—There shall be a court for the trial of misdemeanor offenses known as the "Corporation Court," with such powers and duties as are defined and prescribed in an act of

the Legislature of the State of Texas, and any acts amendatory thereof, entitled, "An Act to establish and create in each of the cities, towns and villages of this State a State Court, to be known as the Corporation Court, in each city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts"; said act having been presented to the Governor of Texas March 15th, 1899, and not having been by him disapproved.

The magistrate of said court shall be known as the "Judge of the Corporation Court," who shall be a qualified voter, and shall be appointed by the Mayor and confirmed by the City Council, and shall hold his office for two years, unless sooner removed by the Mayor and City Council, and shall receive such salary as may be fixed by ordinance.

It shall be the duty of the Mayor, as soon as practicable after the passage of this act, to nominate some suitable person to the City Council, to be by it confirmed, for the position of Judge of the Corporation Court, who shall discharge the duties of said office under the terms and provisions of the State law creating said court, and also subject to the provisions of this act.

There shall be a clerk or clerks of said court, with such deputies as may be created or provided by ordinance by the City Council, who shall be appointed by the Mayor, and shall be subject to removal at any time by the Mayor or City Council, and shall receive such salary as may be fixed by the City Council.

The clerk or clerks of said court, and the deputies thereof, shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally to do and perform all things and acts usually, or necessary to be performed by clerks of courts in issuing process of said courts and conducting the business thereof.

The City Council may require such clerk, clerks or deputies created by it to perform such other duties, in addition to the duties of the clerk or deputy clerk, as may be prescribed, or may provide that some other persons, in addition to other duties, may perform the duties of a clerk or deputy clerk, without extra compensation.

SEC. 14. SCHOOLS.—THE CITY OF HOUSTON AN INDEPENDENT SCHOOL DISTRICT.—The City of Houston shall constitute an independent school district, subject to the general school laws of the State, except where in conflict with this act, and the city shall have authority to levy and collect taxes and appropriate funds for the support and maintenance of the public schools within its limits.

SCHOOL TRUSTEES—HOW APPOINTED, TERMS OF OFFICE, ETC.—The trustees to constitute the school board of said city shall hereafter be appointed by the Mayor, and confirmed by the Council, but the trustees now in office shall continue to serve till the expiration of their respective terms; and all vacancies caused by death, resignation, or other cause, shall be filled by appointment in the same manner for the unexpired term. The regular term of members of the school board shall be two years, and the regular appointment of members shall be made at the first meeting of the Council in May of each year, or as soon thereafter as practicable, and the necessry number of trustees shall be appointed to take the places of those whose terms have expired.

RIGHT OF MAYOR TO VETO ANY PECUNIARY LIABILITY.—No order, resolution, or vote of the school board by which any pecuniary liability shall be incurred, or any funds expended or appropriated, shall become effective until ten days after the same is adopted, and a certified copy thereof furnished to the Mayor, and the Mayor may at any time during said period veto the same by filing his objections thereto in writing with the secretary of the school board, who shall enter the objections at large upon the minutes of the board; said order, resolution or vote shall become void, unless at the next meeting of the board it shall again be adopted over the veto by the affirmative votes of at least five members, whose names shall be entered upon the minutes of the board.

CITY TREASURER CUSTODIAN OF FUNDS.—The custodian of other city funds, as provided by this act, shall be the custodian of all public school funds upon the same terms and conditions as other funds, and his bond shall cover said school funds.

HOW FUNDS ARE TO BE PAID OUT.—No school funds shall be paid out except upon pay rolls or warrants signed by the president of the school board and the Mayor of the city, and countersigned by the City Controller.

DUTY OF SCHOOL BOARD TO MAKE FINANCIAL STATEMENTS. —It shall be the duty of the school board to make such financial statements or reports as may be requested by the Mayor or the City Council, and the Mayor or Council may make or cause to be made all such investigations as to the expenditures of funds or the conduct of the schools as either may deem proper.

MEMBERS OF SCHOOL BOARD NOT TO RECEIVE ANY PAY, OR TO BE INTERESTED IN ANY CONTRACT, OR TO BUY OR SELL ANY SCHOOL WARRANTS, ETC.—No member of the school board shall receive any compensation for his services in any capacity whatever, nor be interested directly or indirectly in any contract with, or claim or demand of any character against the school board of the City of Houston. Any such contract, claim, or demand shall be void, and any member of said board who shall become interested in any such contract, claim or demand, or shall buy or sell any school warrants or obligations of said board, and shall have any interest in any claims or obligations of said school board, shall be subject to removal by the City Council.

SEC. 15. BURIAL GROUNDS, CREMATORIES AND CEMETERIES.—The City Council shall have power to regulate burial grounds, crematories and cemeteries, and to prohibit burial within the city limits if deemed advisable, or if necessary to protect the public health, and to condemn and close burial grounds and cemeteries in the thickly settled portions or the city, and, when demanded by the public interest or public health, to remove or cause to be removed bodies interred in such condemned and closed cemeteries and burial grounds, and shall cause them to be re-interred in a suitable place to be provided by the city, at its expense, and whenever advisable, the city may condemn the land proposed to be used for the reinterring of bodies in the same manner as in condemnation suits of

railway companies, and use such condemned ground formerly used for cemeteries, for such purposes as may best subserve the interests of the city.

The City Council shall have power and authority to make all needful and necessary regulations in regard to butchers and persons selling meats, farm products, fish, vegetables and fruit, and all food stuffs, and to require the same to be inspected and condemned if not found wholesome, and to provide penalties for violation thereof.

The City Council shall have the right and power by ordinance to provide that the tenant or owner of any property shall pay to the city such reasonable charges for the removal of night soil or other refuse matter from the closets of the premises thereof, and to prohibit anyone except someone in the employ of the city, or by the city authorized to do so, from removing or carrying away the contents of any privy, vault or water closet, or any receptacle of human excrement, and the city shall have the right to have inspected the premises of all persons at any time in the interest of the public health, and for the purpose of making said inspection, the officers or agents of the city duly authorized to do so, shall have a right to enter upon the premises of any person at any hour during the day time to make said inspection. Whenever notice is given by any officer or employe of the city inspecting any premises that said premises need cleaning, the said night soil or other refuse matter shall be removed, and the owner or tenant of said premises shall pay the city the price prescribed therefor, and failure to do so shall subject said persons to the penalties to be prescribed by ordinance, and said persons shall be fined, upon conviction in the Corporation Court, in any sum not less than one dollar nor more than two hundred dollars.

To prevent any person from bringing, depositing or having within the limits of said city any dead carcasses or any offensive or unwholesome substances or matters, and to require the removal or destruction by any person who shall have placed upon or near his premises or elsewhere any substance or matter, filth or unsound beef, pork or fish, or hides and skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer or employe of the city, and to require the owner of any dead animal to remove same to such place as may be designated.

The City Council shall also have the power to pass ordinances authorizing the destroying of clothing, bedding, furniture and buildings infected with the germs of any infectious or dangerous disease, when in the discretion of the City Council the public health requires the destruction of the same, and may also in the same manner authorize the destruction or removal of buildings or other objects, after the same shall have been declared a nuisance and to be dangerous to the health or lives of the citizens of said city.

That said corporation of the City of Houston is hereby given full power and authority to take such steps to improve and preserve the purity of the water in Buffalo Bayou, above the City of Houston, as it may think necessary; provided, that the power in this section shall not be construed to give said corporation any jurisdiction or control over said Bayou beyond the corporate limits of said city, except for the purpose of protecting or improving the water shed, i. e., the water

supply of both Buffalo Bayou and the smaller streams or tributaries; provided, further, that the said corporation shall have the right to condemn land, buildings and outhouses or closets when they may deem same necessary for the protection and preservation of the purity of the water in said Bayou, and shall have such police powers as to control the same.

The City Council shall also have power to require any persons or corporations owning or operating manufacturing enterprises within or without the city, which discharges refuse matter into Buffalo or White Oak Bayous, or the tributaries of either, to make other provision for such refuse matter, or so purify the same as that the public health will be fully protected.

SEC. 16. PEACE AND GOOD ORDER.—The City of Houston shall have power by ordinance duly passed to establish and maintain the city Police Department, prescribe the duties of policemen and regulate their conduct.

To permit, forbid or regulate theatres, balls, dance houses and other public amusements, and to suppress the same whenever the preservation of order, tranquility, public safety or good morals may demand.

To regulate dram shops, drinking saloons and other places where intoxicating liquors are sold, and to close variety theatres when necessary, expedient or advisable.

To prohibit and punish keepers and inmates of bawdy houses and variety shows; to prevent and suppress assignation houses and houses of ill fame, and to regulate, colonize and segregate the same, and to determine such inmates and keepers to be vagrants, and provide for the punishment of such persons.

To inspect weights and measures, fix standards of weights and measures, and to fix penalties for not using or conforming to the same, and to provide that inspection fees may be fixed by ordinance.

To make all needful and proper regulations concerning keepers of taverns and grog shops and other public houses, draymen, horse drivers, water carriers, omnibus drivers, hack drivers and drivers of baggage wagons, and other vehicles, and especially to preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of railway trains, and to provide how and where hacks or other carriers shall stand or take their position upon the streets adjacent or near to said depots.

To prevent extortion by carriers of passengers or baggage, hack, drays and public conveyances, by establishing maximum rates of charges and providing penalties for violation thereof.

To provide and fix by ordinance public stands where hacks and drays, baggage wagons or other public carriers shall stand on the streets of said city for the purpose of soliciting business, and to prescribe that they shall not stand, except when receiving or discharging passengers or freight at any points other than those designated in the ordinance as public stands.

To suppress gambling houses, and to punish keepers of gambling

houses and pool sellers, and all persons who play cards or games of chance of any kind, and to punish persons who sell lottery tickets or who advertise lottery drawings or schemes and results of drawings or lotteries.

To provide for the regulation of bakers and to prescribe the weight, quality and price for bread manufactured or sold in the City of Houston, according to the price of the material or otherwise, and to provide for the inspection of milch cattle, whether kept within the city or without the city limits, from which milk is sold within the city, and to provide for the inspection of the milk offered for sale, and to prescribe the fees to be charged therefor.

To establish and regulate public pounds and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese and pigeons, and to authorize the distraining, impounding and sale of the same for the cost of the proceedings and the penalty incurred, and to order their destruction when they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinances regulating or prohibiting the same.

To tax, regulate, restrain and prohibit the running at large of dogs, and authorize their destruction when at large contrary to ordinance, and to impose penalties on the owners or keepers thereof.

To prohibit and restrain or regulate the rolling of hoops; the flying of kites and firing of fire crackers; the use of velocipedes and bicycles, and the use of any pyrotechnic or any other amusement or practices tending to annoy persons passing in the streets or sidewalks or to frighten horses and teams.

To restrain and prohibit the ringing of bells or blowing of horns, bugles and whistles, crying of goods, and all other noises, practices and performances tending to the collection of persons in the streets or sidewalks by auctioneers and others for the purpose of business, amusement or otherwise.

To prohibit mendicants, beggars or persons of infirm or maimed bodies, or suffering with diseases of any kind from soliciting alms, help or assistance upon the streets or sidewalks of said city, and to prescribe a penalty by fine for a non-observance thereof.

To prohibit and regulate the ringing of bells and blowing of whistles of railroad engines or locomotives within the city limits, and to regulate the speed thereof.

To regulate and control the driving of cattle, horses and all other animals into or through the city.

To prevent all trespasses and breaches of the peace and good order, assault and batteries, fighting, quarreling, using abusive, profane and insulting language, misdemeanors and all disorderly conduct and punish all persons thus offending.

To prevent and punish the keepers of houses in which loud or immoral theatrical representations are given, and to adopt summary measures for the removal or suppression of all such establishments.

The City Council shall have power to require, on due notice, all steam or street railway companies owning tracks within the city

limits, upon the public streets or highways of said city, which may have been or may hereafter be abandoned by said companies by non-use, to remove such tracks and to restore at their own expense the street or way upon which such abandoned track is located to the proper grade.

To prohibit, prevent and suppress horse racing, immoderate riding and driving in the streets of said city.

To regulate the use of automobiles and the speed thereof.

To prohibit and punish the abusers of animals.

To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets.

To restrain and punish vagrants, mendicants, beggars and prostitutes.

To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine, and the salts thereof.

SEC. 17. FRANCHISES.—The right of control, easement, user and the ownership of and title to the streets, highways, public thoroughfares and property of the City of Houston, its avenues, parks, bridges, and all other public places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all the members of the City Council and approved by the Mayor; and no grant of any franchise, or lease, or right to use the same, either on, along, through, across, under or over the same by any private corporation, association or individual, shall be granted by the City Council, unless submitted to the vote of the legally qualified voters of said city, for a longer period than thirty years; provided, however, that whenever application is made for any grant of franchise, lease, right or privilege in or to the streets and public thoroughfares of the City of Houston by any person or corporation, if they so request, the Council shall submit the same at an election called for said purpose, the expense of which shall be borne by the applicant for said franchise, and at said election, if the majority of the votes cast by the legally qualified voters shall be in favor of making said grant as applied for, said grant may be made for such a term of years as is specified in the ordinance submitting the same at said election; provided, however, that no grant shall be made or authorized for a longer perior than fifty years.

The City Council may also, upon its own motion, submit all applications or ordinances requesting the granting of franchises or special privileges in or to the streets, public thoroughfares and highways of the City of Houston, to an election, at which the people shall vote upon the propositions therein submitted; the expense of which election shall be paid by the applicant, or applicants, therefor. No such franchise shall ever be granted until it has been read in full at three regular meetings of the Council, nor shall any such franchise, grant, right or easement ever be made to any private individual, corporation or association, unless it provides for adequate compensation or consideration therefor, to be paid to the City of Houston, and in addition to any other form of compensation, grantee shall pay annually such a fixed charge as may be prescribed in the fran-

chise. Such grant under and any contract in pursuance thereof shall provide that upon the termination of the grant, the grant, as well as the property, if any, of the grantee, in the streets, avenues and other public places, shall thereupon, without other or further compensation to the grantee, or upon the payment of a fair valuation therefor (the mode of ascertaining which shall be determined in the grant), be and become the property of the City of Houston, and the grantee shall never be entitled to any payment or valuation because of any value derived from the franchise or the fact that it is or may be a going concern, duly installed and operated.

Every such grant shall make adequate provision by way of forfeiture of the grant, or otherwise, to secure efficiency of public service at reasonable rates, and to maintain the property in good order throughout the life of the grant.

The City Council may also inspect and examine, or cause to be inspected and examined at all reasonable hours, any books of account of such grantee, which books of account shall be kept and such reports made in accordance with the forms and methods prescribed by the City Council, which, as far as practicable, shall be uniform for all such grantees.

SEC. 18. REFERENDUM.—Whenever application is made to the City Council of the City of Houston for any such grant or franchise, lease or right to use the streets, public highways, thoroughfares or public property of the City of Houston, as is provided for in the preceding section of this act, or whenever an ordinance is introduced in the City Council proposing to make the grant of any franchise, lease or right to use the public highways, streets, thoroughfares and public property of the City of Houston, publication of said ordinance of such proposed grant or right to use the streets, public thoroughfares and highways of said city shall be made by publishing the ordinance as finally proposed to be passed, which shall not thereafter be changed, unless again republished, setting forth in detail all the rights, powers and privileges granted or proposed to be granted, in some daily newspaper published in the City of Houston, once a week for three consecutive weeks, which publication shall be made at the expense of the applicant or the person or persons desiring said grant, and no such grant shall be made, or ordinance passed, until after publication in the manner aforesaid, nor shall any such ordinance confirming or making any such grant, lease or right to use the streets, public highways and thoroughfares of the City of Houston take effect or become a law or contract, or vest any right in the applicants therefor, until after the expiration of thirty days after said ordinance has been duly passed by the City Council and been approved by the Mayor.

Pending the passage of any such ordinance or during the time intervening between its final passage and approval by the Mayor, and the expiration of the thirty days before which time it shall not take effect, it is hereby made the duty of the City Council to order an election, if requested so to do by written petition signed by at least five hundred legally qualified voters of said city, at which election the legally qualified voters of said city shall vote for or against the proposed grant as set forth in detail by the ordinance conferring the rights and privileges upon the applicants therefor, which said ordi-

nance shall be published at length and in full in the call for said election made by the Mayor, and if at said election the majority of the votes cast shall be for said ordinance and the making of said proposed grant, the same shall thereupon become effective; but if a majority of the votes cast at said election so held shall be against the passage of said ordinance and the making of said grant, said ordinance shall not pass, nor shall it confer any rights, powers or privileges of any kind whatever upon the applicants therefor, and it shall be the duty of the City Council, after canvassing the vote of said election to pass an ordinance repealing the ordinance which has been by it passed, if the same has been passed.

No grant of franchise, or lease or right of user, in, upon, along, through, under or over the public streets, highways or public thoroughfares of the City of Houston shall be made or given, nor shall any rights of any kind whatever be conferred upon any person, private corporation, individual or association of any kind whatever, except the same be made by ordinance duly passed by the City Council, nor shall any extension or enlargement of any rights or powers previously granted to any corporation, person or association of persons, in, upon, along, through, under or over the streets of the City of Houston be made, except in the manner and subject to all of the conditions herein provided for in this act for the making of original grants and franchises; provided, however, that the provisions of this section shall not apply to the granting of sidetrack or switch privileges to railway companies for the purpose of reaching, and affording railway connection and switch privileges to the owners or users of any industrial plants; it being the intention to permit the City Council to grant such rights or privileges to railway companies whenever in their judgment the same is expedient, necessary or advisable.

SEC. 19. CONTRACTS FOR SERVICES.—No contract shall ever be made which binds the city to pay for personal services to be rendered for any stated period of time; but all contracts involving a personal service shall be restricted to the doing of some particular act or thing, and upon its completion no further liability shall exist on the part of the city.

Nor shall the City of Houston or any one acting for it make any contract for supplies for the current use of any department of the municipality for a longer period than ninety days, and so far as practicable, all supplies purchased for the use of any or all of the departments of said city shall be made or let upon competing prices therefor.

No contract shall be entered into until after an appropriation has been made therefor, nor in excess of the amount appropriated, and all contracts, whenever practicable, shall be made upon specifications, and no contract shall be binding upon the city unless it has been signed by the Mayor and countersigned by the Controller, and the expense thereof charged to the proper appropriation, and whenever the contract charged to any appropriation equals the amount of said appropriation, no further contracts shall be countersigned by the Controller.

All contracts, of whatever character, pertaining to public improvement, or the maintenance of public property of said city, involving

an outlay of as much as one thousand dollars ($1,000.00) shall be based upon specifications to be prepared and submitted to and approved by the Mayor and City Council, and after approval by the Mayor and City Council, advertisement for the proposed work, or matters embraced in said proposed contract, shall be made, inviting competitive bids for the work proposed to be done; which said advertisement shall be put in a daily newspaper not less than ten times. All bids submitted shall be sealed, shall be opened by the Mayor in the presence of a majority of the aldermen, and shall remain on file in the Mayor's office and be opened to public inspection for at least forty-eight hours before any award of said work is made to any competitive bidder. The Council shall determine the most advantageous bid for the city, and shall enter into contract with the party submitting the lowest secure bid, but shall always, in every advertisement of public work or contract involving as much as one thousand dollars ($1,000.00), reserve the right to reject any and all bids. Pending the advertisement of the work or contract proposed, specifications therefor shall be on file in the office of the Mayor, subject to the inspection of all parties desiring to bid.

ARTICLE III.

SECTION 1. TAXATION.—The City Council shall have power, and it is hereby authorized to levy annually for general purposes and for the purpose of paying the interest and providing the sinking fund on the outstanding bonded indebtedness of the City of Houston, and for paying the interest and making provision for the sinking fund on such future bond issues as may be authorized an ad valorem tax on all real, personal and mixed property within the territorial limits of said city, and upon all franchises granted by the city to any individuals or corporations, of not exceeding a total tax of two dollars on the one hundred dollars appraised valuation of said property, except that an additional tax of not exceeding twenty-five cents on the one hundred dollars valuation may be levied on property in improvement districts for sidewalk improvements, if authorized as hereinafter provided in Section 16, Article IX; provided, however, that public property used for public purposes; actual places of religious worship; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes (and the necessary furniture of all schools) and institutions of purely public charity, are hereby declared to be exempt from taxation; and provided further, that two hundred and fifty dollars ($250.00) worth of household and kitchen furniture belonging to each family in said city shall likewise be exempt from taxation.

The City Council may also continue annually to levy and provide separately or jointly in the tax levying ordinance, for the assessment and collection of so much of the special tax provided by ordinance passed by the City Council of said city on the second day of June, A. D. 1888, as may be necessary to pay the interest on and create a sinking fund of not less than two per cent. of the indebtedness mentioned in said ordinance, but the gross total of all the taxes levied for all purposes by said City Council for any one year shall not exceed two per cent. of the appraised valuation of all property, real,

personal and mixed, in said city; provided, however, that the Council may levy a special tax in any improvement district, if any, and shall if authorized of not exceeding twenty-five cents on the one hundred dollars valuation for sidewalk improvements.

And if for any cause the City Council shall fail or neglect to pass a tax ordinance for any one year, levying taxes for that year, then, in that event, the tax levying ordinance last passed shall and will be considered in force and effect as the tax levying ordinance for the year for which the City Council failed to pass a tax levying ordinance, and the failure so to pass such ordinance for any one year shall in no wise invalidate the collection of the tax for that year.

The City Council may also determine and provide when taxes shall be due and payable by corporations or individual corporators, and all persons owning property, and prescribe penalties for the non-payment of taxes upon the expiration of the time fixed by the City Council declaring when the same shall be paid.

The City Council may also levy, assess and collect from each male citizen of the city, over the age of twenty-one and under the age of sixty years, an annual poll tax of one dollar ($1.00); provided, however, that all persons exempt from the payment of the State poll tax under the general laws of the State, or by virtue of the Constitution, shall be exempt from the payment of the city poll tax.

SEC. 2. All real, personal and mixed property held, owned or situated in the City of Houston shall be liable for all taxes due by the owners thereof, including taxes on real estate, franchises, personal and mixed property, and poll taxes.

All personal property may be levied upon, seized and sold by the Assessor and Collector of Taxes, or such other officer as may be designated by the City Council, for any taxes that may be due by the owner thereof, without further warrant of authority than the production of his tax roll, which sale when made shall convey a *prima facie* title to the purchaser thereof; or the amount of the tax due by any person upon any species of property may be sued for in any court having jurisdiction, and a personal judgment may be recovered against any delinquent taxpayer or against any person to whom personal property on which the city tax is due has been sold, or who owns, holds or claims possession of said personal property.

SEC. 3. The tax levied by the city is hereby declared to be a lien, charge and encumbrance on the property for which the tax is due, which lien, charge and encumbrance the city is entitled to enforce and foreclose in any court having jurisdiction over the same, and the lien, charge and encumbrance on the property in favor of the city for the amount of the taxes due on such property is such as to give the State courts jurisdiction to enforce and foreclose said lien on the property on which the tax is due, not only as against any resident of this State, or person whose residence is unknown, but also against the unknown heirs of any person who owns the property on which the tax is due, and against non-residents.

All taxes upon real estate shall especially be a lien and a charge

upon the property upon which the taxes are due, which lien may be foreclosed and the tax collected by suit in any court having jurisdiction.

SEC. 4. It shall be the duty of every person owning or holding property in the City of Houston to render under oath to the Assessor and Collector of Taxes, or such other officer as may be provided for by ordinance, at his office in said city annually, within the time prescribed by the ordinances of said city, a full and complete inventory of all property so owned or held by him, whether real, personal or mixed, and to take and subscribe to an oath to the correctness of such inventory, which oath may be administered by the Assessor and Collector, or such other officer as aforesaid, acting in person or by deputy. All property, real, personal or mixed, except such as is herein expressly exempted, is subject to taxation, and the same shall be rendered and listed in the manner prescribed by the general laws of the State in regard to general taxation when applicable, unless provision is otherwise specially made therefor herein.

The definition of property and terms as defined by the general laws of the State under the head of taxation shall apply to the taxation of this city, and all property subject to taxation as prescribed by the general laws of this State, except as herein specially exempted, shall be subject to taxation by the City of Houston.

SEC. 5. The City Council shall have full power to, and may by ordinance, provide for the prompt collection of all taxes levied, assessed and due, or becoming due to said city, and to prescribe where property shall be assessed or rendered for taxes, and when the taxes thereon shall become due and payable, and to that end may and shall make such provisions as are necessary covering the levying, laying, imposing, assessing and collecting of any of said taxes, and to regulate the method and manner of making out tax lists and inventories, and the appraisement of property thereon, and to prescribe an oath that shall be administered to each person, on such rendition of the property and to fix the duties and define the power of the Assessor and Collector of Taxes, or such other officer or person as may be designated therefor by the City Council.

All taxes shall be payable at the office of the Assessor and Collector, or such other officer as the City Council may prescribe, and no demand for payment thereof shall be requisite or necessary to enforce the collection thereof by any of the proceedings herein prescribed, nor for the collection of any taxes due before the passage of this act.

All property which the owner thereof may fail or refuse to inventory, render and assess, or which the owner thereof may have failed or refused to inventory, assess and render for years prior to the passage of this act, shall be by the Assessor and Collector of Taxes, or such other officer designated by the City Council, inventoried, assessed and rendered for taxes for the year or years for which the same was not so rendered, inventoried or assessed by the owner thereof, and the Assessor and Collector, or such other officer designated by the City Council, shall have the right, and it shall be his duty at any time to revise, correct and reassess, and properly describe any property incorrectly rendered or assessed, or imperfectly described,

for any year, without the necessity of giving notice to the owner thereof, provided, however, that the valuation as fixed by the Board of Appraisers shall not be changed, and such inventory and assessment when revised or corrected so made shall be as valid and effective as if on the assessment sheets or tax rolls, and as if regularly and duly rendered and assessed by the owner thereof for the year for which rendered, assessed and inventoried as above provided by the Assessor and Collector of Taxes, or such other officer as may be designated by the City Council, and said tax rolls and assessment sheets shall be *prima facie* evidence that said property was regularly and duly rendered, inventoried and assessed and properly described in all respects as if done duly and regularly by the owner in the first instance; provided, however, that if such assessment sheets or tax rolls are vague or indefinite, the City of Houston may show by evidence other than the assessment rolls and tax rolls where the property is located, and on what property the tax is due; who owns the property, and that the taxes on the same are due and unpaid, and shall enforce and foreclose the tax lien on such property, as herein provided.

SEC. 6. That all ad valorem taxes due or becoming due upon real, personal and mixed property, and upon franchises granted by the City of Houston to individuals or corporations, and all license taxes and occupation taxes, and all fines, forfeitures, penalties and other dues or taxes accruing to the City of Houston shall be collectible and payable only in current money or current funds of the United States.

SEC. 7. That the City Council shall have the power to assess, license and tax hawkers, peddlers, auctioneers, theatrical and other exhibitions, shows and amusements, circuses, billiard tables, nine and ten pin alleys; alleys with any number of pins, public drays, wagons, omnibuses, carriages and automobiles, grog shops and dram shops, beer saloons, whether for the sale of domestic intoxicants or otherwise, and such other trades or occupations not specifically mentioned herein, as are, or may be, taxed or licensed by the laws of this State, but no assessment or license tax levied under this section shall exceed one-half of the amount levied by the State for the same period on such trade, profession or occupation, and the same may be regulated, levied and collected in the same manner as said taxes are regulated and collected by the State of Texas.

That all license taxes or occupation taxes shall be paid to the Assessor and Collector of Taxes, or other officer designated therefor by the City Council, by each and every person or firm engaging in any trade, profession, business, calling, avocation or occupation, before engaging therein, and shall take his receipt therefor, which receipt shall be esteemed lawful license for the pursuit of the occupation indicated, and if any person shall engage in any business, calling, avocation or occupation, trade or profession, which by ordinance of said city is subject to a license or occupation tax, without first having obtained said license or occupation tax, he, she or they shall be liable to arrest, imprisonment and a fine to be fixed by ordinance for each and every day such violation of said ordinance may continue,

and each day shall constitute a separate offense, and this section shall apply to all persons owing license and failing to pay the same, and the City Council may make such further regulations as it deems necessary to enforce this provision and punish persons violating the same.

SEC. 8. All taxes due by property owners on any and all property for the year 1875, up to and including the year 1904, and for all years intervening, and for all years thereafter, until otherwise provided by charter, as appears upon the tax rolls of said city, may be collected by suit from delinquents and foreclosure of the lien thereon may be had in any court having jurisdiction of the same, and any person who shall purchase or shall have purchased property encumbered with a lien for taxes, or upon which taxes are due, shall be deemed as to such taxes a delinquent taxpayer, and such purchaser takes the property charged with the lien, and he cannot interpose any defense which his vendor might not have interposed had he continued to be the owner, except that no personal judgment shall be rendered for same against said purchaser; provided, however, that any delinquent taxpayer shall have the right to plead in any court and to rely as a defense upon the statute of limitation of four years in any suit brought for taxes alleged to be due the City of Houston, and in no case wherein such limitation is plead and the taxes sued for, or any part thereof, are shown to have been due and payable for four years or more before said suit was instituted, shall judgment be rendered for such taxes so shown to have been due for more than four years; provided further, however, that the defense of limitation shall not apply to any suit which may within one year after the passage of this act be instituted by the City of Houston for the collection of any taxes due for any year from 1875 up to and including the year 1901, nor shall it apply in any case wherein the sale of any property delinquent for taxes has been made under the provisions of this act, nor if such sales shall be made within one year after this act takes effect.

It shall be the duty of the City of Houston, within one year after this act goes into effect, to cause suit to be filed for the collection of all back taxes which have accrued to said city and are due and unpaid for the year 1875, and for each and every year, or any and all years intervening, up to and inclusive of the year 1901, and after the expiration of one year from the time this charter goes into effect no suit shall be instituted, nor shall any sale of property be made by the City of Houston or its officers for any taxes which have become due and payable for more than four years prior to the filing of said suit, or the sale of said property by the proper officer of said city as provided for in this article. And it shall be the duty of the City Council to pass an ordinance imposing a fine of two hundred dollars upon such person as is or may be employed by said Council to collect said taxes, who fails to use due diligence in the collection of all such taxes, and such persons so failing to do so, shall at once be discharged from the service of the city, and each and every failure shall be a separate offense and subject the person to such fine for each failure or separate offense.

The City of Houston is hereby expressly authorized to, and has the right to maintain a suit to recover a personal judgment for the

amount of any tax due it, accruing from any species of property taxed by it, as well as for license and occupation taxes, and the tax may be collected by sale of the particular property on which it is assessed, by enforcing the lien or by the sale of all or other property under a judgment of court, or by seizure and sale of personal property; provided, that when any action is instituted against any person to recover taxes due the city, all the taxes due such person or persons upon any piece, lot or parcel of property, real or personal, shall be embraced in one suit, whenever the same is legal and practical, and when the same can be done and is not done subsequent to the passage of this act, all taxes for years antecedent to those for which the taxes are alleged to be due, shall be conclusively presumed to have been paid. And where two or more actions are brought subsequent to the passage of this act, and all the taxes due might legally be or have been embraced in one action, the court shall, on motion of the defendant, or of its own motion, consolidate said action, and when same is done, the costs shall be paid as in only one action.

In suits for taxes, the proper persons shall be made parties defendant in such suits, shall be served with process and other proceedings had therein, as provided by law for suits of like character in the District Courts of this State; and in case of foreclosure, an order of sale shall issue and the land be sold thereunder, as in other cases of foreclosure, which order of sale shall have all the force and effect of a writ of possession between the parties to the suit and any person claiming under the defendant by any right acquired after the filing of the suit; and the Sheriff or other officer executing such order of sale shall proceed by virtue of the same to place the purchaser of the property sold under such order of sale in possession thereof within twenty days, as provided by the general laws of Texas, after date of sale, but not before, and such order of sale may direct that the Sheriff or other officer executing such order of sale shall sell the property, either each piece separately, as under execution, or in gross, as the city, through its attorney, may direct; or if the defendant or his attorney shall, at any time before the sale, file, with the Sheriff or any other officer in whose hands any such order of sale shall be placed, a written request that the property described therein shall be divided and sold in less tract than the whole, together with the description of said subdivisions, then such officer shall sell the land in said subdivisons, as the defendant may request, and in such case shall only sell as many subdivisions as will satisfy the judgment, the court costs, and all other costs hereinafter specified.

In all cases in which lands have been sold for default in the payment of the taxes, it shall be lawful for the Sheriff or other officer selling the same, or any of his successors in office, to make a deed or deeds to the purchaser, or to any person to whom the purchaser may direct the deed to be made, and such deed shall be held in all courts of law or equity in the State to vest a good and perfect title in the purchaser thereof.

The City Attorney or other officer designated therefor by the City Council shall represent the city in all suits against delinquent taxpayers, and in any and all suits by the City of Houston for the collection of the taxes due it there shall be charged in the cost bill in said case when judgment is rendered for the city, five per cent. upon

the amount of the judgment so rendered in said cause, which amount shall be taxed as cost against the property upon which the tax is due and unpaid to the city, and in no case after suit has been filed shall a receipt for taxes be given on the property in suit until after the payment of five per cent. attorney's fees as above provided, the cost of the City Assessor and Collector, or such other officer as herein stated, and all court costs.

When judgment has been taken for taxes due on the property in suit, the five per cent. attorney's fees and other costs above named shall be taxed as costs against the property to be sold under judgment for taxes, and paid out of the proceeds of the sale of the same, together with the taxes and interest due thereon to the city, and the five per cent. taxed as attorney's fees shall be paid to the city.

SEC. 9. For the taxes due on any property for any and all years, for and including the year 1875, up to and including the year 1904, and for all years intervening, and for all years after the year 1904, until otherwise provided by charter, either the tax rolls or a statement of the taxes due on any property made from said rolls certified to and signed by the City Assessor and Collector of Taxes of the City of Houston, or such other officer or employe as the City Council may designate, shall be *prima facie* evidence that the tax on the property is due; that the facts stated therein are true, and that all the prerequisites required by law pertaining to the levying and assessing of taxes and the rendition of the property therefor on which the suit is brought for the taxes due have been complied with.

In addition to the tax rolls and the certified statement from the said tax rolls being *prima facie* evidence, as above stipulated, the deed or deeds executed by the Assessor and Collector of Taxes and made by him during the years 1890, 1891, 1892, 1893 and 1894, showing the sales made by him for said years of the property upon which the taxes are due, in accordance with the provisions of the charter of the City of Houston in force during the last named years, shall also be *prima facie* evidence that the tax on the property is due and unpaid; that the facts stated in said deed are true, and that all of the prerequisites and requirements of the law were and have been complied with.

SEC. 10. All taxes for any current year, except occupation tax and license tax, are hereby declared to become due and payable on the first day of each and every current year, and if not paid by the thirty-first day of December following a penalty of ten per cent. upon amount of the tax due shall be added and paid, and interest shall be charged upon the gross amount of the tax and penalty due until paid, at the rate of six per cent. per annum, and in no case shall the City Council or any number of the City Council, or any other officer of the city extend the time for the payment of the taxes, nor shall any officer of the city remit, discount, or compromise any tax legally due the city, nor shall any person be elected Mayor or Alderman of the City of Houston or hold any position, office or employment thereunder who is in arrears, or due and owing to the City of Houston any sum of money for taxes or otherwise.

SEC. 11. The provision for suit to foreclose the tax lien herein created is but auxiliary to, and cumulative of the city's right to sell

property delinquent for taxes without suit, as is hereafter provided. After said tax statements have been made out by the Assessor and Collector, or other officer designated therefor by the City Council, and after publication thereof as is herein specified in this article, it shall be the duty of the Assessor and Collector of Taxes of the City of Houston, or such other officer as may be provided for by ordinance, to give notice by publication made in a newspaper published in the City of Houston and having a general circulation therein, which publication shall be made at least once a week for three consecutive weeks immediately preceding the sale, that he will sell at public outcry in the City of Houston at such place as is designated in said notice each and every piece of property delinquent to the City of Houston for taxes at the time of said sale. Said property shall be sold by separate sales or tracts to the highest bidder at said sale, but the right is hereby reserved to the City Council to confirm or refuse to confirm said sales which shall be reported to it within three days thereafter, and if said sales so made are not confirmed by the City Council, the money so paid to the Assessor and Collector shall be by him refunded to the purchaser at said sale. Said sales may continue from day to day until all of the property so delinquent for taxes shall have been sold. The said Tax Assessor and Collector, or such other officer as may be designated by the City Council, shall, after said sale is made, make a deed to the purchaser thereof, if sale is confirmed by the City Council, and in such deed he shall recite the fact of the delinquency of the tax, the amount of the tax due, the year or years for which due, the property against which the tax is assessed, the fact of the publication of the delinquent tax roll as is herein set out, the fact of the publication of the notice of sale, the amount bid, and the name of the purchaser. Such deed shall constitute a *prima facie* title to the property therein described, and said deed shall be *prima facie* evidence of the truth of all things therein recited, and the holder of said deed shall be considered the holder of a *prima facie* legal title to said land against all persons whomsoever, and such deeds, when so executed for property sold as specified at said sales, shall pass to the purchaser all of the interest and title of the owner thereof, subject to redemption at any time within two years from the date of said sale, upon payment by the owner of the property so sold to the purchaser thereof, of double the amount of taxes, penalties and costs due on said property; provided that should such sale be for any reason held invalid, the purchaser thereof shall nevertheless have a good and valid lien upon the property so sold for the amount of the taxes due thereon, and such purchaser shall be subrogated to all of the rights of the City of Houston, and shall have the right to foreclose such lien in any court of competent jurisdiction within four years from the date of such sale.

The City of Houston may bid at such sales, and may become the purchaser of any property sold thereat to the extent of the amount of the taxes, interest, penalties and costs due on any particular piece of property, and the city shall further have the right, if said deed shall for any reason be invalid, to maintain a suit to foreclose its tax lien on said property for the amount of taxes due thereon, at any time.

A failure on the part of the City Assessor and Collector of Taxes,

or such other officer or employe as may be designated by the City Council to prepare the delinquent tax roll, or to publish it for the required length of time, or to furnish tax statements to the City Attorney, or a failure on the part of the city to file suits within the proper time for the collection of taxes due, shall in no wise affect the liability of the delinquent taxpayer, nor shall it release the property upon which the tax is due from the operation of the lien, charge or incumbrance herein created, nor shall such failure of any officer or employe of the city in any manner or matter be relied on by way of defense, or be a defense against the payment or the enforcement of the payment by suit or otherwise of the taxes due the city.

In cases where the State has instituted suit for taxes and where taxes are due the city on the same property for the same or other years, the city may have the right to intervene in said suit and have judgment for its taxes to foreclose its lien for said taxes, and in cases where the city has first instituted suit for taxes, the State may have the same right to intervene with foreclosure of its lien.

SEC. 12. Immediately after the first day of January in every year, it shall be the duty of the Assessor and Collector of Taxes, or such other officer or employe as may be designated by the City Council, to prepare a roll containing a description of all property described in the assessment rolls of the year just preceded, that is to say, the year ending on the thirty-first day of December preceding on which the taxes have not been paid. Said roll shall be called the DELINQUENT ROLL, and shall consist of so much of the said roll as will identify the property and show the amount of the tax due on the same. During the time that the City Assessor and Collector, or such other officer or employe of the city as may be designated by the City Council, shall be preparing and shall prepare the delinquent roll above described, he shall prepare separate statements of tax accounts due the city, to be furnished the City Attorney or other officer designated by the City Council, which statements shall contain a description of the property, the year for which the tax is due, the amount of the tax due, the rate of taxation, and the person or persons, estate, firm or corporation who assesses the same, and whether the property is rendered or unrendered, or owner unknown, as appears on the tax roll, which statement the City Assessor and Collector, or such other officer or employe as may be designated by the City Council, shall certify to be correct, and which shall be *prima facie* evidence of the statement made therein, and that all the prerequisites and requirements of the law as to levying taxes and assessing and rendering property therefor, and as to all matters have been complied with, and the city shall be entitled to one dollar on each statement so made, which shall be taxed against the delinquent taxpayer of the property and against the propefty on which the tax is due, and in case of suit, to be taxed as a charge against the property, and the Assessor and Collector of Taxes, or other officer designated by the City Council, shall not issue any receipts to any delinquent taxpayer until said one dollar has been paid, except upon express written authorization in each individual instance by the City Council; provided, that when separate tracts of land and different kinds of property are assessed by the same person, firm, estate or corporation, that they shall be contained in the same statement. Said delinquent roll shall be fin-

ished and said statement furnished by the Assessor and Collector, or other officer, not later than the last day of February of each year.

Said delinquent roll shall be published during the month of March following, or as soon thereafter as practicable, once a week for four consecutive weeks, in some newspaper published in the City of Houston, and the Assessor and Collector, or other officer or employe designated by the City Council, shall also be entitled to charge two dollars for advertising each tract of land separately assessed, which shall be taxed as a charge against the property on which the tax is due, and paid into the treasury of the City of Houston, and the Assessor and Collector, or such other officer or employe as may be designated by the City Council, shall not issue any receipt to any delinquent taxpayer until the cost of advertising has been paid, unless upon the express authorization to do so by the City Council, which authorization shall be made in writing in each individual instance, and a failure to comply with these provisions by the Assessor and Collector of Taxes, or such other officer or employe as may be designated by the City Council, shall be deemed a malfeasance in office, and such officer shall be removed.

It shall be the duty of the Assessor and Collector of Taxes or other officer or employe as may be designated by the City Council, whenever written request is filed with him by the owner or agent of any particular piece of property for a statement of all taxes due on said piece of property to give to said person a written statement of all taxes due thereon for each and every year from and after the year 1875 up to and including the year for which the taxes are last due, and any person who pays the taxes due on said property upon the statement so rendered, if duly certified to by the Assessor and Collector as being all the taxes due thereon shall not thereafter be required to pay, but shall be relieved from payment of any taxes due or claimed to be due on said property for any years prior to the time of filing said written request for a full statement of all the taxes due on said property.

Sec. 13. The City Council may by resolution provide for advance payment, and may allow interest upon advance payment of taxes, at a rate not to exceed six per cent. per annum for the time intervening between the time of such payment and the time of the last payment, without interest or penalties, namely, the thirty-first day of December of each year; provided, that no such resolution shall be passed, nor such interest allowed, except for the purpose of raising money to meet the current expenses of the city for legitimate purposes. Such resolution shall state the amount of money sought to be raised by this means, and when said amount has been received, the Assessor and Collector, or such other officer or employe designated by the City Council, shall immediately notify the Mayor and City Council that the amount called for in the resolution has been received, and no one shall by authorization of the City Council, nor shall the City Council, pay interest on moneys subsequently paid in for taxes for that year. In receiving moneys for taxes in advance, under the resolution herein provided for, the Assessor and Collector, or other officer or employe designated by the City Council, shall allow the taxpayer to retain out of such payment the amount of the interest allowed

thereon, and shall give his receipt for the whole amount, showing what amount is actually paid in, and what sum is allowed as interest on such payment.

SEC. 14. Any and all descriptions of real estate, blocks, outlots, lots, or any parts or fractions thereof, and of all personal property, and any and all dates, years, valuations, taxations, numbers, quantities or amounts contained in any assessment roll or sheet, land tax book, personal tax book, or descriptions contained in any book or roll for the purposes of assessing property, shall be sufficient and valid when made or stated in whole or part, in abbreviations or contractions of words, letters, characters or figures; and when so made or stated shall be deemed and held to be fully and fairly made and stated as though the same had been written out in full. No error or irregularity in any assessment roll, tax book, or other document relating to the levy, assessment, equalization or collection of the taxes of the city shall in any manner affect or impair the validity of any tax, or affect the proceedings for the collection thereof; but every such assessment shall be liberally construed to effect the purposes and objects of this article in determining the validity thereof.

SEC. 15. BOARD OF APPRAISEMENT.—There shall be a Board of Appraisement in said city, which shall be composed of two Aldermen and the Assessor and Collector of Taxes, or such officer or employe designated by the City Council to perform the duties of an Assessor and Collector of Taxes.

The two aldermanic members of said board shall be appointed by the Mayor not later than the first day of May of each year, and said board shall as soon as possible after the completion of all or any one of the Assessment rolls by the Assessor and Collector, or other person designated therefor by the City Council, meet and carefully examine said roll or rolls, and properly and equitably adjust and equalize the taxable values thereon, thus continuing until they have adjusted and equalized the valuation on all property on said rolls, under such regulations as may be prescribed by the City Council by ordinance, and after the completion of said work, said board shall make due report of its action to the City Council.

Said board, constituted as herein provided, shall continue for a period of one year, and shall be a standing committee to which all matters relative to taxes shall be referred. The members of said board shall not receive any further compensation or extra compensation by reason of their services as members of said Board of Appraisement, nor as members of said standing committee on taxes.

In case of dissatisfaction with the decision of said Board of Appraisement by any taxpayer, an appeal from the decision of said Board of Appraisement may be had to the City Council of the City of Houston, but such appeal must be by written petition, specifically stating the things complained of, and by the dissatisfied taxpayer be filed with the City Secretary before the expiration of thirty days after said board has finally examined and passed upon the delinquent rolls of said city and made its final report to the Mayor and City Council, as herein provided. The decision of the City Council in all cases

of appeal from the decision of the Board of Appraisement shall be final and binding, and no appeal shall be allowed from the decision of the City Council.

Said Board of Appraisement shall finish and conclude its labors within not less than sixty days, and in no event shall it file its final report with the Mayor and City Council later than the fifteenth day of June of each year.

It shall be the duty of the Board of Appraisement to mail a postal card to each property owner, the valuation of whose property the board proposes to raise or increase, notifying him to appear before it and show cause why said valuation should not be increased as proposed, but the failure on the part of any property owner whose property may be increased in value by the Board of Appraisement to receive written notice of the proposed increase, shall in no wise invalidate or affect the action of said Board of Appraisement in increasing the valuation of said property, but it shall be presumed that the notice was sent as provided for herein.

ARTICLE IV.

SECTION 1. AUTHORITY TO ISSUE BONDS.—The City Council shall have the power and authority by ordinance duly passed, if it so elects, to borrow money on the credit of the city for permanent improvements, to an amount not to exceed one hundred thousand dollars ($100,000.00) in any one year, and may issue bonds of the city therefor. It may also have the power, and is hereby expressly authorized to issue bonds for the purpose of refunding bonds of the city of previous issues; provided, the bonds may be refunded at a lower rate of interest than the bonds proposed to be retired draw.

No bonds shall be issued for any purpose except for the purpose of making permanent improvements, which shall not exceed one hundred thousand dollars ($100,000.00) in any one year, and for the purpose of refunding bonds of the city of previous issues, unless an election be duly ordered by the Mayor and City Council, and if at said election a majority of the vote polled shall be in favor of creating such debt, it shall be lawful for the City Council to make the issuance of bonds as proposed in the ordinance submitting the same at the election so held, but if a majority of the vote polled shall be against the creating of such debt, it shall be unlawful for the City Council to issue the bonds.

In all elections to determine the expenditure of money for the assumption of debt, only those shall be qualified to vote who pay taxes on property in said city, and are legally qualified voters in said City of Houston; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

No bonds shall be issued drawing more than five per cent. interest per annum, and they shall be invalid if sold for less than par and accrued interest, and all bonds shall express upon their face the purpose for which they are issued.

The ordinance authorizing any bonds to be issued shall provide for the creation of a sinking fund sufficient to pay the bonds at maturity, and make provision for the payment of the interest thereon as it matures, and said sinking fund shall be invested in bonds of the State of Texas, or in the bonds issued by counties in the State of Texas, or in bonds of the United States, or such funds may be used for the purchase of the bonds of the City of Houston which are not yet due, and neither interest nor sinking fund shall be devoted to any other purpose whatsoever.

Any officer of the city who shall wilfully or knowingly divert or use said fund for any other purpose except that for which the fund is created, or herein expressly authorized to be invested, shall be deemed guilty of a felony, and subject to prosecution as provided under the general laws of the State for the diversion and conversion of funds belonging to any of the municipalities of said State.

SEC. 2. BAYOU.—Power is hereby given the City Council of the City of Houston to secure land between Houston and Harrisburg, along the banks of Buffalo Bayou, by purchase, condemnation or by gift, for the improvement of Buffalo Bayou by the United States, or by the City of Houston and for this purpose it may by ordinance extend the corporate limits of said city from its present eastern limits eastwardly in a general direction with Buffalo Bayou, from bank to bank, as same is now constructed, or exists, or as same may be ordered constructed by the government engineers in charge of said work, provided that the city shall have no right to tax the property over which such boundaries are so extended, unless such property be within the line and within the limits of the general city boundaries or limits.

To effect a condemnation, the same proceedings shall be taken and the same statutes shall govern, so far as applicable, as obtain and apply to the condemnation of lands by railway companies under the general statutes of the State of Texas.

SEC. 3. FEES.—Within its corporate limits, the City of Houston shall be the local agent of the State government for the enforcement of the State laws, in all cases wherein the Corporation Court of the City of Houston has jurisdiction, and all fines or penalties imposed by said court, including all costs incident thereto, and assessed against the parties so fined, are by this act declared to be due and owing to, and shall be payable to the City of Houston, and in all cases where fees are allowed, the officers making the arrest, or the attorneys prosecuting said causes in said Corporation Court, said fees shall be payable to, and shall hereby become due and owing to the City of Houston.

And the City of Houston shall by ordinance prescribe that no officer or employe in the service of the City of Houston shall receive any fees, rewards or perquisites accruing from any service performed in any manner whatsoever, whether authorized by the general laws of the State or otherwise, but in addition may prescribe by ordinance that said fees, which may be collectible by said officers under the State law, shall become the property of, and shall be payable to the City of Houston, and a failure on the part of any officer or employe to

collect said fees when collectible, and to pay the same over to the City of Houston, shall be deemed a malfeasance in office, and said officer shall be removed.

SEC. 4. SIDEWALKS.—The City of Houston may by appropriate penal ordinance compel the construction and laying of sidewalks by property owners in front of, or abutting on their land, or property, and may prescribe the character of such sidewalk, and the manner in which it shall be laid. Should any person or corporation owning land in the City of Houston fail or refuse to construct sidewalks in front of or abutting on their property, in accordance with the ordinance passed by the City of Houston, in addition to the penalty provided for herein, the City of Houston shall have the right to have said sidewalk constructed in accordance with such ordinance at the expense of the abutting property owner, and may recover a personal judgment in any court having jurisdiction of the amount, for the costs and expense in constructing said sidewalks, with 10 per cent. additional for attorney's fees. The Council may also, by ordinance, provide that the city shall not pave with brick, asphalt, stone or gravel, any street unless and until the owners of abutting property shall previously lay in the manner as may be prescribed by the city a curb and sidewalk thereon.

SEC. 5. VESTIBULE CARS.—The City Council may, by ordinance, duly passed, require any street car company operating its lines or cars within or into the City of Houston, to equip its cars with vestibules of such pattern and style and during such period of the year, as may be prescribed by ordinance.

The city shall also have the right and power, by ordinance duly passed, to require any street railway company operating its cars or lines within the limits of the City of Houston, to equip its cars with fenders of such style, design or pattern, as may be prescribed by the City Council, and to run closed cars in the months of December, January and February of each year.

ARTICLE V.

SECTION 1. ELECTIVE OFFICERS.—The administration of the business affairs of the City of Houston shall be conducted by a Mayor and four Aldermen, who, together, shall be known and designated as the City Council, each and all of whom shall be elected by the qualified voters of the city at large, and who shall hold their respective offices for two years from and after the next city election, or until their successors are elected and qualified, unless sooner removed, as is provided by this act; provided, however, that all of the present officers of the City of Houston, who were elected at a city election held in said city, on the fourth day of April, A. D. 1904, pursuant to the provisions of an act passed by the Twenty-eighth Legislature of the State of Texas, entitled: "An Act to provide a charter for the City of Houston, Harris County, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency"; except the Mayor, Aldermen and City Attorney, shall hold their respective offices, unless

sooner removed by the Mayor for cause, and receive the compensation now fixed therefor, until the expiration of two years from and after the date of their election on the fourth day of April, 1904, and qualification thereunder.

Compensation of all officers, except the Mayor and Aldermen, shall be fixed by the City Council, which may increase or diminish the same at will, or abolish entirely any office at any time, except as to the officers above mentioned, and until their two years term of office expires.

In case a primary election is held pursuant to the call or under the direction of any political party, or of any association of individuals for the nomination of candidates for the offices of Mayor and Aldermen, the candidates or persons voted for in said primary election shall be voted for at large by all of the legally qualified voters in said city, it being the purpose of this act to nominate and elect at large in said city the Mayor and Aldermen, without restricting the nomination of candidates for either position to any smaller designated territory within the limits of said city, and any primary election held for the purpose of nominating candidates who shall stand for election at a city election in said city at which said primary the candidates for Mayor and Aldermen are not voted for, as herein provided, shall be absolutely illegal, and no person so nominated at said primary election shall be eligible to election at a general election, nor shall he hold any office if elected thereto after nomination in a primary wherein the voters at large in said city did not participate in said primary election.

SEC. 2. APPOINTIVE OFFICERS.—The Mayor shall have power to appoint, subject to confirmation by the City Council, such heads of departments in the administrative service of the city as may be created by ordinance, and shall have power to appoint and remove all officers or employes in the service of the city for cause, whenever in his judgment the public interests demand or will be better subserved thereby; and no officer whose office is created by ordinance shall hold the same for any fixed term, but shall always be subject to removal by the Mayor or may be removed by the City Council. In case of such removal, if the officer or employe so removed requests it, the Mayor or City Council, as the case may be, shall file in the public archives of the city a written statement of the reason for which the removal was made.

ARTICLE VI.

SECTION 1. THE MAYOR.—The chief executive and administrative officer of the city shall be a Mayor, who shall be a citizen of the United States, a qualified voter, residing for five consecutive years immediately before his election within the city limits, and a bona fide owner of real estate for at least two years before his election, and shall hold his office for two years, and until his successor is elected and qualified, unless sooner removed as provided by this act.

SEC. 2. MAYOR PRO TEM.—At the first regular meeting of the City Council after the induction of the newly elected Mayor and Aldermen in office, the Mayor shall nominate, subject to confirmation by the City

Council, one of the Aldermen who shall be known and designated as "Mayor Pro Tem," and shall continue to hold the title and the office until the expiration of the term of office for which he was elected as Alderman, but shall receive no extra pay by reason of being or acting Mayor Pro Tem.

SEC. 3. DISABILITY OF THE MAYOR.—If for any reason the Mayor is absent from the city, sick or unable to perform the duties of his office, the Mayor Pro Tem shall act as Mayor, and during such absence or disability shall possess all of the powers and perform all of the duties of the Mayor, except that he shall not, independent of the City Council, appoint or remove any officer or head of any department from office, which officer or head of department was appointed by the Mayor, unless the Mayor shall be absent, or disabled for a period of at least sixty days.

SEC. 4. VACANCY.—In case of the death, resignation or permanent disability of the Mayor, or whenever a vacancy in the office of Mayor shall occur for any reason, the Mayor Pro Tem shall act as Mayor, and shall possess all of the rights and powers of the Mayor, and perform all of his duties, under the official title, however, of "Mayor Pro Tem" until an election is ordered by the City Council to fill the vacancy in the office of the Mayor. Said election, should a vacancy occur in the office of Mayor, shall be called by the City Council and held within thirty days thereafter, and notice by publication given for at least twenty days, as may be required by law.

SEC. 5. REMOVAL OF THE MAYOR.—In case of misconduct, inability or willful neglect in the performance of the duties of his office, the Mayor may be removed from office by the City Council by majority vote of all the Aldermen elected, but shall be given an opportunity to be heard in his defense, and shall have the right to have process issued to compel the attendance of witnesses, who shall be required to give testimony, if he so elects. The hearing, in case of impeachment of the Mayor, shall be public and a full and complete statement of the reasons for such removal, if he be removed, together with the findings of facts as made by the Council, shall be filed by the City Council in the public archives of the city, and shall be and become a matter of public record.

Pending the charge of impeachment against the Mayor, the City Council may suspend him from office for a period of not exceeding thirty days, and if upon final hearing the conclusions and findings of the City Council are that the Mayor be impeached and removed from office, such findings shall be final.

SEC. 6. VETO POWER OF THE MAYOR.—Every ordinance, resolution or motion of the City Council shall, before it takes effect, be presented to the Mayor for his approval and signature. If he approves it, he shall sign it; if he disapproves it, he shall specify his objection thereto in writing by the next regular meeting of the City Council, and return the same to the City Council, with such disapproval. If he does not return it with such disapproval, nor sign it, it shall upon the expiration of the time for its return to the City Council with his disapproval, be in effect and force, the same as if he had approved it.

The City Council may, in case of the veto of any ordinance or resolution by the Mayor, pass the same over the veto of the Mayor by a majority vote, but in all such cases the Mayor shall not be deprived of his right to vote as a member of the City Council by reason of the veto. In case the Mayor's veto is sustained, the matter shall not again come before the Council within six months, but in ordinances or resolutions making appropriations, the Mayor may veto any or every item therein, but such veto shall only extend to the items so vetoed, and those which he approves shall become effective, and those which he disapproves shall not become effective, unless passed over his veto in the manner above specified.

SEC. 7. GENERAL POWERS OF THE MAYOR.—The Mayor shall have and exercise such powers, prerogatives and authority, acting independently of or in concert with the City Council, as are conferred by the provisions of this act, or as may be conferred upon him by the City Council, not inconsistent with the general purposes and provisions of this charter, and shall have the power to administer oaths, and shall sign all contracts and shall have the right and authority at any time to remove any officer or employe of the city subject to the provisions of this act; provided, however, he shall not have the right to remove one of the Aldermen of the city or the Controller, except by acting in concert with the other Aldermen as the City Council.

In case of the disability or absence of the Judge of the Corporation Court, the Mayor, or in the absence or disability of the Mayor, the Mayor Pro Tem, shall act as Judge of the Corporation Court.

SEC. 8. ANNUAL BUDGET.—It shall be the duty of the Mayor from time to time to make such recommendations to the Council as he may deem to be for the welfare of the city, and on the second Monday of March of each year to submit to the Council the annual budget of the current expenses of the city for that fiscal year, each item in which may be increased, reduced or omitted by the Council, subject to the veto power of the Mayor.

The fiscal year of the City of Houston is hereby designated, beginning with the first day of March of each year and closing with the last day of February next ensuing thereafter.

SEC. 9. SALARY OF THE MAYOR.—The salary of the Mayor of the City of Houston shall be four thousand dollars per annum, which said salary shall be payable in equal monthly installments. The Mayor shall devote his entire time to looking after the business and administration affairs of said city, or performing such duties as may devolve upon or be encumbent upon him to perform, and if for any reason, except in case of sickness or on business for the city, the Mayor shall absent himself from the city or fail or refuse to perform and discharge the duties of his office, for a period of time exceeding fifteen days, he shall not be allowed any compensation for such time, exceeding fifteen days, as he may fail to perform the duties of his office, but his salary shall for each and every day during such time and in excess of the fifteen days, be ratably reduced and deducted from his next monthly payment.

ARTICLE VII.

SECTION 1. CITY COUNCIL.—There shall be a City Council of the City of Houston, which shall consist and be composed of a Mayor and four Aldermen, with full power and authority, except as herein otherwise provided, to exercise all powers conferred upon the city subject to the veto power of the Mayor as hereinbefore provided.

SEC. 2. QUALIFICATION OF ALDERMEN.—No person shall be elected an Alderman unless he be a citizen of the United States, and shall have been for five years immediately preceding such election a citizen of the City of Houston, and for two years prior to his election a bona fide owner of real estate in said city.

All Aldermen shall be elected by a vote of the people at large, and if nominated by any political party or organization as a candidate at any primary election, said nomination shall be made by voting for the candidate at large in said city.

No person shall be eligible to office who shall have been nominated in any primary election in a ward or precinct of the city, or in any manner which will prevent the voters at large in said city from exercising the privilege of voting for or against said candidate.

SEC. 3. JUDGE OF ELECTIONS.—The City Council shall be the judge of the election and qualification of its own members, subject to review by the courts, in case of contest.

SEC. 4. RESTRICTIONS UPON MEMBERS OF THE COUNCIL.—No member of the City Council shall hold any other public office, or hold any office or employment, compensation for which is paid out of public moneys; nor be elected or appointed to any office created by, or the compensation of which was increased or fixed by the City Council while he was a member thereof, until after the expiration of at least one year after he has ceased to be a member of the City Council. Nor shall any member of the City Council, or any officer of the City of Houston, be pecuniarily interested, directly or indirectly, in any contract let by the city, Board of School Trustees of the Independent School District of the City of Houston on any work done by the city or by the Board of School Trustees of the Independent School District of the City of Houston, nor in any matter wherein the rights or liabilities of the City of Houston are, or may be involved; nor shall any member of the City Council, or any other officer of the city, be interested, directly or indirectly, in any public work or contract let, supervised or controlled, or which shall be paid for, wholly or in part, by the State of Texas, or any of the counties or municipalities therein, whether incorporated under general or special law.

In the event any such officer of the City of Houston shall become interested, directly or indirectly, in any contract or work, purchase or sale made by the City of Houston, then the said contract or work, purchase or sale, shall become null and void and shall be discontinued, and new arrangements shall be entered into as in case of the incipiency of the contract or work, purchase or sale.

Any member of the City Council, or any officer or employe of the city, becoming interested, directly or indirectly, as aforesaid, in any contracts, work, purchase or sale, by or with any of the agencies aforesaid, shall forfeit all right or claim to the title and emoluments of any office which he may happen to hold in said city, and shall be expelled therefrom by the Mayor or City Council, or if they shall fail to remove said officer, employe or member of the City Council guilty as aforesaid, he shall nevertheless be subject to removal upon the action of any five citizens taken in one of the district courts of Harris County in such proceedings as are appropriate and proper, and shall in addition be guilty of misdemeanor felony, as the case may be, as is or may be provided in the penal statutes of the State of Texas.

SEC. 5. RULES OF THE COUNCIL.—The City Council shall determine its own rules of procedure, may punish its members for disorderly conduct, shall compel the attendance of members, and with the concurrence of a majority of the members elected, may impeach a member.

Any member of the City Council who shall have been convicted of bribery or who shall violate any of the provisions of this act shall forfeit his office and the emoluments attached thereto.

SEC. 6. MEETINGS OF THE COUNCIL.—The City Council shall prescribe by ordinance the time and place of its meetings, and the manner in which special meetings thereof may be called.

A majority of the members of the Council shall constitute a quorum to do business; shall sit with open doors; shall keep a journal of its own proceedings, which shall be public and constitute one of the archives of the city.

The Council shall act only by ordinance, resolution or motion, and all ordinances, resolutions or motions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title, and ordinances making appropriations shall be confined to the subject of appropriation.

The ayes and nayes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of its proceedings, and every ordinance, resolution or motion shall require on final passage the affirmative votes of the majority of all the members of the City Council.

No ordinance or resolution shall be passed finally on the date it is introduced, except in the case of public emergencies, and then only when requested by the Mayor in writing; provided that no ordinance or resolution making a grant of any franchise or special privilege shall ever be passed as an emergency measure.

SEC. 7. VACANCIES.—In case of the death, resignation, removal from the city, or disqualification arising from any cause, of any Alderman, his office shall thereupon become vacant and an election shall be ordered by the City Council to elect his successor. At least twenty days notice of said election shall be given, by publication in some daily newspaper in the City of Houston, and said election shall be held pursuant to the provisions of this act, or as may be required by the laws of the State of Texas, when not in conflict with this act.

SEC. 8. The City Council shall, consistent with the provisions of this act, have power to establish any office that may in its opinion be necessary or expedient for the conduct of the city's business or government, and may fix its salary and define its duties; provided, however, that all offices established by the Council shall be subject to discontinuance or be abolished by the Council at any time, and any encumbent of any office, except the Controller, may be removed at any time by the Mayor, with or without the concurrence of the Council; and in no case shall any officer or employe of the city be entitled to receive any compensation or emolument of any office which may be abolished, or from which he may be removed, except for services rendered to the date when the office was abolished or the encumbent removed.

The Council shall require all officers of the city to give bond in such sum as may be prescribed by ordinance, which sum shall always be of sufficient amount amply to protect the city.

SEC. 9. The Mayor or the City Council, or a committee of the city duly authorized by it, may and it shall be their duty at any and all times to investigate each and every department of the city government and the official acts and conduct of the city officials; and for the purpose of ascertaining facts in connection with such investigation, shall have power to compel the attendance and testimony of witnesses; to administer oaths and to examine such persons as they may deem necessary and to compel the production of books and documents. Failure to appear by any one when served with notice to do so shall be a contempt, which may be punished by fine, and in default of the payment thereof within five days, the person so fined may be imprisoned. Willful false swearing in such investigations and examinations shall be perjury and punishable as such.

SEC. 10. It shall be the duty of the City Council at its second meeting in April, or any time thereafter, of every year, to appropriate such sums of money respectively for each of the various departments of the city government as it may deem necessary for their maintenance during the current year. The current fiscal year shall begin on the first day of March of each year, and end on the last day of February next thereafter.

In addition to the departmental appropriations herein provided for, the Council shall also make such appropriations for contingent purposes as may be deemed necessary. The Council may also at the same or any subsequent time appropriate a sum not to exceed one thousand dollars ($1,000.00) to be used by the Mayor as an emergency fund for any current year, and for which he shall not be required to account.

The appropriations herein provided for shall be based upon estimates submitted by the Mayor in his annual budget.

The head of each department created by the City Council shall make a written report to the Mayor, not later than the fifth day of March in each and every year, showing the operations of the department for the preceding year. These reports shall be transmitted to the Mayor, and shall accompany and be made a part of the Mayor's report to the City Council, which report shall be made not later than the fifteenth day of March of each year.

The Mayor shall also make such recommendations to the City Council concerning the increase or decrease of departmental estimates as in his judgment may best serve the interests of the city, and he shall also submit an estimate for a general contingent fund for the current year.

In making up the budget allowance for any current year, the City Council shall first make provision for the payment of the interest and the creation, setting aside and preservation of a legal sinking fund upon all of the outstanding bonded indebtedness of the city, and shall then make such appropriations as the remaining revenues of the city justify, to be apportioned among the respective departments, or otherwise appropriated for public uses, as to the Council may seem best; provided, however, that in no case shall the entire appropriation as made, which comprehends interest and sinking fund on the bonded debt, together with other public uses and purposes, ever exceed the estimated available resources, which shall be based upon the probable revenues of the city derived from ad valorem taxes upon the basis of the total valuation of the property for taxation for the preceding year, and of such other contingent revenues of the city as may probably accrue.

It shall be deemed a malfeasance for the City Council to make an appropriation in the budget, the sum total of which shall exceed the estimated available or probable revenues for any current fiscal year.

SEC. 11. BUSINESS SESSIONS.—For the purpose of conducting and transacting the ordinary business and administrative affairs of the city, the City Council shall be continuously in executive session, or open and ready to be convened therefor at any time, and at such hours as the Mayor may designate, and it is hereby declared to be the duty of every member of the City Council to attend at all times the executive sessions which may be called by the Mayor, or in case of his failure to call the same, by a majority of the members of the City Council, whenever they deem it expedient to do so.

SEC. 12. SALARY.—The Aldermen shall each receive a salary of twenty-four hundred dollars ($2,400.00) per annum, payable in equal monthly installments, and shall devote their entire time to the service of the city, and shall perform all of the duties required by this act, and such other administrative duties as may be allotted or designated by the Mayor, from time to time.

The Council may remove at any time any Alderman by majority vote, for inattention to the affairs of the city, misconduct, or any grounds sufficient in judgment of the Council for removal.

ARTICLE VIII.

CITY CONTROLLER.

SECTION 1. MANNER OF ELECTION.—The City Council shall at its first meeting in May, 1906, or as soon thereafter as it may be disposed to do so, and bi-ennially thereafter, elect a Controller, who shall hold his office for two years or until his successor is elected and qualified in the manner prescribed above, and who shall not be removed except by impeachment proceedings of the City Council, at which proceedings he

shall be given ample opportunity to be heard, and may be represented by counsel, with the right to summon witnesses and compel the production of books and papers upon process duly issued by the City Council.

It shall require a majority vote of all the members of the City Council, which shall be a matter of record, to impeach the Controller.

SEC. 2. DUTIES OF THE CONTROLLER.—It shall be the duty of the Controller to superintend and supervise the fiscal affairs of the city, and to manage and conduct the same as prescribed by this act. He shall give bond in such sum as may be fixed by ordinance, conditioned that he will faithfully and honestly perform and discharge the duties of the office as the same are herein defined, or as may be prescribed by ordinances not inconsistent with the provisions of this act.

SEC. 3. BOOKS OF ACCOUNT.—It shall be the duty of the Controller to keep books of account of the City of Houston, and to make such financial reports and statements as are provided by the terms of this act. His books of account shall exhibit accurate and detailed statements of all moneys received and expended for account of the city by all city officials and other persons, and shall show in detail the property owned by the city and the income derived therefrom.

He shall also keep separate accounts of each and every appropriation made by the City Council, showing the date thereof and the purposes for which the same is made, and shall show for what each payment of any public money is made and the manner of making the same, and to whom same is made.

He shall keep a separate account with each department of the city government, and also such other accounts as may be necessary to show a complete financial statement of the city, and he shall be prepared at every regular meeting of the City Council to give such information concerning the finances of the city as the Council may require.

All warrants or orders for payment of any public fund or moneys for any purpose shall be signed by the Controller and the Mayor. No warrant not signed by the Controller shall be authority for the payment of any public funds whatever, but the Controller shall in no instance, unless the money is in the treasury and in the fund against which it is drawn, sign any warrant or order for the payment of any sum or amount for any purpose; provided, however, that nothing herein contained shall prevent the issue and sale of warrants to anticipate the current revenue for any one year, which said warrants shall bear such rate of interest, not exceeding five per cent, as the City Council by ordinance may prescribe.

He shall not sign any contract nor make or execute any warrant or order for the payment of any sum of money, unless the same be legal, and all prerequisites and requirements shall have been complied with, nor until after an appropriation has been duly and legally made therefor.

He shall, whenever deemed necessary, require all accounts presented to him for settlement or payment to be certified to by affidavit, and he is hereby authorized to administer oaths, with authority to compel and require persons to answer such questions as may be propounded to them

touching the correctness of any account or claim against the city. He shall require all persons who shall have received any moneys belonging to the city, and not having accounted therefor, to settle their accounts, and it is hereby made his duty from time to time to require all persons receiving moneys, or having the disposition or management of any property of the city of which an account is kept in his office, to render statements thereof to him; provided, that no warrant or order shall ever be issued in favor of any person or corporation, or to the assignee or agent of any person indebted in any manner for taxes or otherwise to the city, unless such debt so due and owing to the city be paid.

No disbursing officer of the city, nor any one having money in his possession for the account of the city, shall pay the same to any person or persons for the account of the city, except to the regularly designated officer or custodian of the public funds for the city, except upon draft or warrant countersigned by the Controller of the City of Houston, and signed by the Mayor; and the Controller shall not countersign any such draft or warrant until he has audited and examined the claim and found the same justly and legally due and payable, and that the payment has been legally authorized, and appropriation therefor duly made, and that the appropriation has not been exhausted.

SEC. 4. ANNUAL REPORT.—The City Controller shall, on or before the fifteenth day of March in each year, prepare and transmit to the City Council a report of the financial transactions of the city during the fiscal year ending the last day of February next preceding, and of its financial condition on the said last named day in February. The report shall contain an accurate statement in summarized form and also in detail of the financial receipts of the city from all sources and the expenditures of the city for all purposes, together with a detailed statement of the debt of said city, and the purposes for which said debt was incurred, and of the property of said city, and of the accounts of the city with the grantees of franchises.

In addition to the annual statement herein required and of the reports which may be demanded by the Council at any time, it is especially made the duty of the Controller to be able to show at any time, and certainly upon or immediately after the first of each month, a comprehensive and accurate statement of the financial affairs of the City of Houston, and if any officer of any department or any employe of the city shall fail to make such stated or stipulated reports as and at the times required either by the Mayor or the City Council, it shall be the duty of the Controller to report such delinquency or failure to the Mayor, and further to state at any time any carelessness or negligence of any officer or employe in the making or stating of reports covering any matter within the range of the duty of said officer or employe.

SEC. 5. RIGHT TO EXAMINE THE BOOKS OF THE GRANTEES OF PUBLIC FRANCHISES.—The City of Houston shall have the right to regulate the rates, fares, tolls and charges to be collected from the public by any holders, owners, operators, persons or incorporations enjoying any grants or franchises from the City of Houston, pertaining to public utilities, including furnishing of lights, water, telephones and street car service, etc., pertaining to a public or *quasi* public duty, and the right and authority is hereby given to the Mayor

or to the City Council to require the City Controller or such other officer or employe as may be designated, to examine, carefully inspect all of the books, accounts, papers and documents, as well as the property of such persons or corporations using and enjoying any of said grants or franchises from the City of Houston as above stated, and to make such reports of said examination as required by the Mayor or City Council, when deemed necessary, for the following purposes:

1. When such franchise or grant was made upon the consideration and agreement that the City of Houston should receive a per cent. or portion of the revenue derived from the use of said grant or franchise.

2. When the persons or corporations above referred to have listed their property for taxation at a valuation deemed by the City Council or the Mayor to be below its actual value, or fails to list the same for taxation.

3. When the City Council desires to fix the rates, fares, tolls and charges which said persons or corporations above described shall charge the public for water, lights, transportation or other services rendered or furnished under the franchises granted to it or them by the City of Houston, and the information is desired or deemed necessary by the Mayor or City Council as a basis upon which to fix a proper rate.

4. When the Mayor or City Council have directed the individuals or corporations above specified to extend their lines and service, or to improve their service in any manner necessary for the public comfort and convenience, or to make improvements and betterments of their property, and such persons or corporations demur thereto on the ground that the income from their property used under said franchise is not sufficient to justify the same.

Such examinations and reports provided for in this section are for the purpose of ascertaining the value of the property and the income derived from it, and the reasonable expense for its operation.

ARTICLE IX.

GENERAL PROVISIONS.

SECTION 1. ACTIONS BY CITIZENS.—Any citizen who is a property taxpayer of the City of Houston may maintain an action in the proper court to restrain the execution of any illegal, unauthorized or fraudulent contract or agreement on behalf of said city, and to restrain any disbursing officer of said city from paying any illegal, unauthorized or fraudulent bills, claims or demands against said city, or any salaries or compensation to any person in its administrative service whose appointment has not been made in pursuance of the provisions of law and the regulations in force thereunder. And in case any such illegal, unauthorized or fraudulent bills, claims or demands, or any such salary or compensation, shall have been paid, such citizen may maintain an action in the name of said city against the officer making such payment and the party receiving the same, or either, or both, to recover the amount so paid, and such amount, after deducting all expenses of the action shall be paid into the city treasury; provided, however, that

the court may require such citizen to give security to indemnify the city against costs of court, unless the court shall decide that there was reasonable cause for bringing the action. The right of any property taxpayer of the city to bring an action to restrain the payment of compensation to any person appointed to or holding any office, place or employment in violation of any of the provisions of this act, shall not be limited or denied by reason of the fact that said office, place or employment shall have been classified as, or determined to be, not subject to competitive examination; provided, however, that any judgment or injunction granted or made in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers.

In case of any unsatisfied judgment, or any suit or process of law against said city, any five or more citizens who are freeholders of said city shall, upon petition, accompanied by affidavit that they believe that injustice will be done to said city in said suit or judgment, be permitted to intervene and inquire into the validity of said judgment, or defend said suit or action as fully and completely as the officers of said city would by law have the right to do.

SEC. 2. ELECTIONS.—That in each voting precinct of the city, as the same may be legally defined, shall be established and arranged at least one voting place, and where two or more voting places are established, they shall be so located as to be most convenient to the greatest number of voters, with a distinct set of election officers, ballot boxes and registration books for each voting place; provided, the voter shall vote in the district or precinct of his residence.

The City Council shall make all necessary regulations concerning elections; the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and shall be in keeping with and consistent with the provisions of the State law applicable to elections in municipalities, in so far as the same may be practicable, and the City Council shall provide for the examination and counting of the returns of elections, declarations of the result thereof and the issuance of proper certificates to the successful candidates; and it is hereby made the duty of the Council to examine and count the returns at its first regular meeting after the election shall be held, or if no regular meeting shall be held within one week after an election is held, it is hereby made the duty of the Mayor to call a special meeting of the Council for the purpose of counting the vote and determining the result of the election within one week after the election is held, and the officers declared to be elected at such election shall be entitled to qualify immediately after the declaration of the result of the election upon taking the oath of office prescribed by law.

The City Council may, consistent with the other provisions of this act, and conforming to all the provisions of the State law regulating primary elections in cities and towns, in so far as the same may be applicable, prescribe the manner and method of holding primary elections by all political parties or political organizations of any kind whatsoever, and to determine the rules that shall obtain with respect to the representation the respective parties or candidates may be entitled to at the polls; may prescribe an official ballot, official returns, etc., and

the expense of all primary elections held for the purpose of nominating candidates of any political party or organization for city officers shall be borne and paid for by the City of Houston.

SEC. 3. PETITIONS.—The petitions provided for in this act need not be on paper, and may be printed or written, but the signatures thereto must be the autograph signatures of the persons whose names purport to be signed. To each signature the house address of the signer must be added, and the signature must be made, acknowledged or proved before an officer authorized by law to take acknowledgments and proof of deeds. The certificate of such officer under his official seal that a signature was so made and acknowledged or proved shall be sufficient proof of the genuineness of the signature for the purposes of this act. The signing of another's name, or of a false or fictitious name, to a petition, or the signing of a certificate falsely stating either that a signature was made in presence of the officer or acknowledged or proved before him, shall be punishable as a forgery.

SEC. 4. PUBLIC ACT.—That this act shall be deemed a public act, and judicial notice shall be taken thereof in all courts.

SEC. 5. EXISTING ORDINANCES.—All ordinances of the City of Houston, not inconsistent with the provisions of this charter, shall remain in full force and effect until altered, amended or repealed by the City Council; provided, that the power to pass such ordinances under former charters has not been repealed expressly or impliedly by the terms of this act.

SEC. 6. THE PRESENT OFFICERS.—All elective officers elected at the last regular city election, except the Mayor, Aldermen and City Attorney, unless sooner removed by the Mayor or City Council for cause, shall retain their offices and receive the pay at present provided, until two years have expired from and after the date of their election and qualification in April, 1904.

All appointive officers, or all officers whose positions are created by charter or ordinance, not elected by the people, shall hold their offices and continue in the service of the city subject to the will and pleasure of the Mayor.

SEC. 7. PRINTED ORDINANCES AS EVIDENCE.—All ordinances of the City of Houston published in book or pamphlet form, and purporting to be published "By Authority of the City Council of the City of Houston," shall be received by all the courts of the State of Texas as *prima facie* evidence of the due passage and publication of such ordinances as appear therein; provided, that no person shall be precluded from showing by competent evidence that any ordinance published "By Authority of the City Council of the City of Houston," as aforesaid, is not a true copy of the original ordinance.

SEC. 8. CITY NOT REQUIRED TO GIVE BOND.—It shall not be necessary in any action, suit or proceeding in which the City of Houston is a party for any bond, undertaking or security to be demanded or executed by or on behalf of said city in any of the State courts, but all such actions, suits, appeals or proceedings shall be conducted in the same manner as if such bond, undertaking or security had been

given as required by law, and said city shall be just as liable as if security or bond had been duly executed.

SEC. 9. PUBLIC PROPERTY EXEMPT FROM EXECUTION SALE. —The property, real and personal, belonging to the City of Houston shall not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the city in the hands of any person be liable to garnishment, nor shall the city or any of its officers or agents be required to answer any writ of garnishment served upon or issued against it, and a failure to do so shall not entail any liability upon the city, but if the Mayor of the city elects so to do, he may answer in a writ of garnishment for the city in his discretion.

SEC. 10. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant or a freeholder, or a taxpayer of the City of Houston, in any action or proceeding in which said city may be a party at interest, and all officers and employes of said city shall be exempt from jury service.

SEC. 11. Before the City of Houston shall be liable for damages for personal injuries of any kind, the person injured or some one in his behalf shall give the Mayor or City Council notice in writing of such injury within ninety days after the same has been sustained, stating in such notice when, where and how the injury occurred, and the apparent extent thereof, and the failure to so notify the city within the time and manner specified herein shall exonerate, excuse and exempt the city from any liability whatsoever.

SEC. 12. LIABILITY AND NEGLIGENCE.—The City of Houston shall not be liable to any person for damages caused from streets, ways, crossings, bridges, culverts or sidewalks being out of repair from negligence of said corporation unless the same shall have remained so for ten days after special notice in writing given to the Mayor or City Council.

SEC. 13. PLEADING ORDINANCES.—It shall be sufficient in all judicial proceedings to plead any ordinance of the city by caption, without embodying the entire ordinance in the pleading, and all printed ordinances or codes of ordinances shall be admitted in evidence in any suit, and shall have the same force and effect as the original ordinance. Certified copies of ordinances may also be used in evidence.

SEC. 14. This act must be deemed a public act and judicial notice shall be taken thereof in all courts.

SEC. 15. OWNERSHIP AND REGULATION OF PUBLIC UTILITIES.—The right is hereby granted to the City of Houston to acquire its public utilities, such as gas, water and electric light works, and underground, surface and elevated street railways, subways, or underground conduit systems for electric light, power, telephone, telegraph and other wires used for the purpose of transmitting any electric service. That such utilities may be purchased by a payment in cash of twenty-five percent of such price, the balance in annual installments, including interest, to be paid out of the revenues of such utility, and that such works so purchased shall stand pledged as security for the

payment of the amount due thereon, but that no judgment shall be rendered against the city upon any deferred note, requiring the city to pay any specified sum of money, but said judgment shall be merely one of foreclosure, divesting and depriving the city of the possession of the property so purchased but not paid for, in which event the city shall forfeit and lose only the cash payment of twenty-five per cent of the agreed price, without liability or judgment in any sum for the unpaid purchase price; provided, that no purchase or expenditure shall be made under this section, unless the same shall first have been submitted to the vote of the qualified tax-paying voters at an election to be held exclusively for that purpose.

And the right is hereby expressly granted to the City of Houston to regulate all public utilities in said city and to require efficiency of public service, and to require all persons or corporations to discharge the duties and undertakings for the performance of which the respective franchises were made.

SEC. 16. IMPROVEMENT DISTRICTS.—The City Council may, and upon petition shall, divide the city or any portion of the corporate territory thereof, into "Improvement Districts," clearly defining the limits and boundaries of each district; and shall have the right and is hereby authorized to borrow money on the credit of any improvement district so created in the city, and issue bonds therefor for the purpose of constructing and laying permanent sidewalk improvements in such district, but every proposition to borrow money on the credit of any improvement district for permanent sidewalk improvements therein shall be submitted to the qualified tax-paying voters living within and owning property in such district, and shall distinctly specify the purpose for which the loan is desired, and the permanent sidewalk improvements proposed to be constructed. If said proposition be sustained by a majority of the votes cast in such election in such district, such loan shall be lawful. All bonds shall specify for what purposes they are issued, shall bear interest at a rate not greater than five per cent per annum, and, when sold, shall net not less than par value, with accrued interest to date of payment of the proceeds into the city treasury, and such bonds may be negotiated in lots, as the City Council may direct. No debts shall be contracted for the payment whereof such bonds are issued until such bonds shall have been disposed of, and no debts shall ever be created against any such improvement district, unless at the same time provision be made to assess and collect annually upon the property in such improvement district a sum sufficient to pay the interest on such bonds and create a sinking fund of at least two per cent thereon. The interest and sinking fund tax which shall be collected annually from the property in such improvement district for such bonds shall be in addition to the other current taxes, levied by the city, never exceed twenty-five cents on the one hundred dollars appraised valuation of property in said district, and shall be kept separate by the city from other funds, and shall not be diverted or used for any other purpose than to pay interest and principal on such bonds, and the City Controller shall sign no draft or warrant on said fund, except to pay the interest and redeem the bonds for which it was provided. The sinking fund for such bonds shall be invested as provided in Section 1, Article IV of this Charter, or in bonds of such im-

provement district. The tax levied for interest and sinking fund for bonds issued for permanent sidewalk improvements in any district shall not exceed twenty-five cents on the one hundred dollars valuation annually; provided, however, that all property situated within any improvement district which may be created under the authority of this section shall participate to its full extent in, and be equally improved in its just proportion by said sidewalk improvements.

SEC. 17. The present Mayor, City Attorney and members of the City Council, as composed under the Charter of 1903, shall continue to serve and receive the pay provided for at the time of their election, until the next city election held as hereinafter provided in this act, and until the qualification of the officers elected at said election, and shall temporarily exercise the powers and be subject to the limitations in this charter contained. All other elective officers elected at the last city election, unless sooner removed for cause, shall retain their offices and receive the pay at present provided for said officers, until the expiration of two years from and after their election and qualification in April, 1904.

It shall be the duty of the Mayor within forty days after this act becomes a law, or as soon thereafter as practicable, to order an election by giving twenty days' notice thereof, at which election a Mayor and four Aldermen shall be elected at large in said city; or if for any reason the Mayor fails to make said call for said election within a reasonable time it shall be the duty of the City Council, by a majority vote thereof, to issue said call for said election by giving twenty days' notice thereof. Said election shall be held as provided for herein, and the Mayor and four Aldermen so elected at said election shall hold their respective offices until the second Monday in April, 1907, or until their successors are elected and qualified.

There shall be held on the second Monday in April, 1907, and every two years thereafter, until otherwise provided by law, a regular election for a Mayor and four Aldermen in the City of Houston, who shall perform the duties and discharge the obligations conferred and imposed by the provisions of this act, and who shall hold their offices for two years, or until their successors are elected and qualified.

SEC. 18. Be it further enacted, that all laws and parts of laws in conflict herewith, be and the same are hereby repealed; and that all previous special acts granting or amending charters of the City of Houston, be especially repealed.

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